



Scottish Environment Protection Agency
BF/DAF/Councils/
Renfrewshire/2008

DXB

If telephoning ask for:
Brian Fotheringham

7 November 2008

RENFREWSHIRE COUNCIL
DEPARTMENT OF
PLANNING & TRANSPORT

10 NOV 2008

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COPIED TO:

Director of Planning and Transport
Renfrewshire Council
South Building
Cotton Street
PAISLEY
PA1 1LL

Dear Sir

**THE ENVIRONMENTAL IMPACT ASSESSMENT (SCOTLAND) REGULATIONS 1999
PLANNING APPLICATION ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT
CONSTRUCTION OF A MOTORWAY JUNCTION ON LAND AT INTERSECTION OF M8
MOTORWAY/A8 GREENOCK ROAD, SOUTH OF CRAIGMUIR FARM AND EAST OF
BISHOPTON
PLANNING APPLICATION REFERENCE: 06/1065/PP**

Thank you for your consultation letter with regard to the above proposal which included additional and amended information with regard to the Environmental Statement

The Environmental Statement confirmed that the provision of a new motorway junction was fundamental to the redevelopment of the ROF site, as the existing road infrastructure in Bishopton was not capable of servicing the scale of development envisaged by the applicant.

SEPA acknowledges that the alterations to the motorway junction are primarily driven by the requirements of Transport Scotland and that these changes necessitated the provision of additional information on specific issues, inclusive of air quality and SUDS.

The Environmental Statement (ES) previously identified the key issues and constraints associated with the location chosen for the proposed construction of the new motorway junction. SEPA's earlier review of the ES highlighted that the key environmental issues were the potential impacts on Air Quality, on the Water Environment - including drainage - and the management of excavated waste materials.

SEPA would reiterate that these environmental issues remain the significant areas of interest for us.

SEPA stated that it had no objections to the principle of this proposal however we did have particular concerns regarding the ES's identification of contaminated soils and management of waste material excavated. These concerns required to be addressed by the provision of further information and SEPA confirmed that it was satisfied for this issue to be addressed as a condition of planning permission, should it be granted for the planning application.

SEPA would reaffirm that preliminary meetings were held with Dougall Baillie Associates to scope out the environmental issues associated with this specific aspect of the proposed redevelopment of the ROF Bishopton site, with particular emphasise being placed on a sustainable water management approach to dealing with the drainage from the new motorway junction.



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SEPA would offer comments on the amended scheme and the implications on the following environmental matters;

- **The footprint of the former Southbar Landfill Site.**
- **Drainage/surface water runoff from new areas of hardstanding created by the road construction.**
- **Effects on Air Quality**
- **Effects on the Water Environment**

Air Quality

The subsequent modelling exercise undertaken by the consultant was satisfactory and SEPA would confirm that the predicted pollutant concentrations are well below the objective thresholds and accordingly unless there are plans to locate the proposed housing closer to the motorway junction, it is unlikely SEPA would have concerns regarding this issue.

Former Southbar Landfill Site

To facilitate the preferred design and location of the off ramp of the new motorway junction, it is recognised that the footprint of the new road layout is likely to encroach into land, formerly used as a landfill.

The now closed Southbar Landfill Site (licence in ownership of WH Malcolm) was licensed to deposit 'inert material' and it is estimated over 500,000 tonnes of wastes (mainly rubble and soil) were infilled at the site until its closure in 1999.

It is also possible that additional wastes were deposited at the site, these wastes are most likely to have arisen from previous construction activities associated with the M8 Motorway.

The landfill site is now closed and it has been capped, re-seeded and the land restored to agricultural use.

The ES identified that the following issues may require to be addressed:

1. Leachate arising from the landfill may be impacting on the surface waters in the vicinity of the site (inclusive of groundwater).
2. Deposited landfill wastes could potentially be encountered during the construction of the new/amended motorway junction.
3. The existing treatment lagoons, drainage ditches and watercourses in the vicinity of the site could also be affected by the works associated with the construction of the new motorway junction, particularly as the amended layout will reduce the footprint of the existing treatment lagoons

The results of the analytical data of the water samples taken from the site appear to indicate that the leachate arising from the closed landfill site was having a negligible impact on the adjacent watercourses, with the concentrations of metals in the small streams adjacent to the former landfill site being deemed not to be significant, furthermore the vegetated settlement ponds appeared to assist in causing further reduction of the pollutant loading associated with the leachate arising from the former landfill site.

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The assumption made in Appendix 11.1 of the ES, Site Investigation Report (Page 30, 11.7) was that the site (closed landfill) is having a negligible effect on the water environment.

SEPA would broadly agree with that statement, however, the source of the elevated levels of ammonia still requires to be confirmed. Ammonia is a List 2 substance and as such is recognised as having the potential to have a deleterious effect on the water environment.

SEPA considers further justification has still to be provided regarding the removal of 'natural soils' which the ES identified as the potential source of the elevated levels of ammonia. Insufficient information has been presented within the ES to demonstrate that the above approach is suitable and SEPA would recommend that until this matter has been determined, no movement of 'soils' should be considered. This could be resolved by the planning authority requiring the submission of a method statement, approved by the Council in liaison with SEPA, as a condition of any permission granted.

The amended report states that any landfill waste encountered/excavated during the construction of the proposed road layout will be removed from the site and transported to a suitable treatment or storage facility.

SEPA previously stated that this protocol is too simplistic and failed to recognise the legislative environmental and land ownership issues associated with this proposed solution.

To allow SEPA to properly assess the acceptability of these proposals, we will require additional details on,

- Methodology to be used for removal of any landfilled wastes encountered during the realignment of the channel

SEPA does however accept that the proposed post construction 'drainage' and capping' strategy for the road/landfill corridor, with particular emphasis on the prevention of leachate breakout entering the small watercourses in the area has been progressed, by the proposed use of an impermeable liner.

SEPA would expect the applicant to have detailed discussions with us on the diversion of the watercourse channel as this strategy will form part of the legislative framework relating to the authorisations required under The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended), which relates to engineering works proposed in and around the watercourse corridor.

SEPA would reiterate that all matters relating to the storage, transportation and disposal, etc of wastes (inclusive of leachate) must be undertaken in accordance with the terms of the Waste Management Licensing (Scotland) Regulations 1994 (as amended). Discussions with SEPA should take place in respect of these issues.

As the applicant cannot guarantee that all construction activities will occur outwith the boundary (or zone of influence) of the former landfill site SEPA would request that additional monitoring is carried out at the site to conclusively establish if the construction of the new road network will encroach into the former landfill site, as the implications for SEPA, WH Malcolm, BAE Systems and all the other relevant authorities if wastes are encountered during these works cannot be determined at this time.

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SEPA would recommend that should planning permission be granted, that a further condition is attached requiring information as outlined above and that this requires the approval of the Council in liaison with SEPA.

Construction Activities

The Water Environment and Water Services (Scotland) Act 2003 (or WEWS) gave the Scottish Government powers to introduce regulatory control over activities in order to protect and improve Scotland's water environment. The water environment includes wetlands, rivers, lochs, transitional water (estuaries), coastal waters and groundwater.

These regulatory controls – The Water Environment (Controlled Activities) (Scotland) Regulations (CAR) – were passed by the Scottish Parliament on 1 June 2005. On 1 April 2007, the list of General Building Rules (Schedule 3) was passed and expanded by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2007.

Three types of authorisation under CAR allow for proportionate and risk-based regulation. The three levels of authorisation are:

- General Binding Rules
- Registration
- Licence

General Building Rules (GBR's) represent the lowest level of control. They form part of the Regulations and cover specific low risk activities. GBR activities taking place in accordance with the rules do not require an application for authorisation from SEPA, compliance with a GBR is considered as authorisation.

The individual GBR's are described in more detail in the appropriate regime-specific sections of this guide, see Schedule 3 of CAR (www.opsi.gov.uk/regulation/scotland/ssi2007/200070219.htm)

SEPA would highlight that all drainage issues arising at the site are required to adhere to the relevant GBR guidance, specifically GBR's 10, 11 and 16.

It is therefore the responsibility of the developer and all contractors at the site to ensure that all relevant activities are carried out in compliance with the relevant GBR. If in doubt, contact should be made with SEPA to clarify where an alternative level of authorisation is required.

Post Construction Drainage Strategy

The DBA Report (August 2006) 'Flood Risk and Surface Water Drainage Impact Assessment Report acknowledges that SUDS will be required for the collection, treatment, (storage, if required) and disposal of surface water runoff from the new motorway junction.

The design of the SUDS arrangement for the site is essentially a matter for the applicant to resolve and he must ensure that it complies with the requirements of CAR. SEPA would encourage the management train approach to be adopted which promotes the use of source control, site control and regional control and where the opportunity exists create SUDS which promote biodiversity.

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SEPA recognises that a potential conflict of interest exists, particularly from the construction of retention ponds and areas of 'standing water', in the vicinity of Glasgow Airport. SEPA is aware that discussions between the consultants and BAA have taken place in this regard and it is assumed that the current proposals have been modified to take cognisance of these issues.

SEPA acknowledges that an integrated and flexible approach is being proposed for the surface water drainage layout at the site and that the requirements and responsibilities (e.g. maintenance) of the SUDS arrangements is an aspect of the current strategy.

The use of a number of different types of SUDS techniques is required due to the constraints associated with the development site, the use of filter strips, ponds will be in principle acceptable to SEPA provided they are designed in accordance with the SUDS Design Manual C697, published by CIRIA in March 2007.

SEPA would note that the use of traditional pipe and gully systems has been proposed to service specific areas of the motorway junction, SEPA would ask that this conventional design is given further consideration and that the use of conveyance swales is considered as an alternative approach and more akin to the ethos of sustainable drainage.

Engineering Activities

The Water Environment (Controlled Activities)(Scotland) Regulations apply to:

- All engineering, building or other works on inland surface waters (including wetlands);
- Works in the vicinity of inland surface waters and wetlands where those works pose a risk of significant adverse impact.

The applicant will require to determine whether the engineering activities proposed in and around the existing watercourses at the site of the new road junction require to be authorised to ensure compliance with CAR, this will include the construction of new culverts. The applicant should consult Schedule 3 of CAR (www.opsi.gov.uk/legislation/scotland/ssssi2007/20070219.htm) to confirm whether the proposed engineering activities at the site can be carried out under a General Binding Rule (GBR) or whether discussions with SEPA will be necessary to obtain a formal authorisation for these works. SEPA would expect further dialogue on this issue

Yours faithfully



Brian Fotheringham
Senior Planning Officer